


**PLANNING BOARD
RESOLUTION NUMBER 2014-12**


**A RESOLUTION OF THE KEY WEST PLANNING BOARD
GRANTING A SPECIAL EXCEPTION TO TAPLEY O.
JOHNSON III ALLOWING FOR THE SALE OF ALCOHOL
TO OCCUR WITHIN 300 FEET OF TWO CHURCHS AND A
FUNERAL HOME FOR PROPERTY LOCATED WITHIN
THE HNC-1 ZONING DISTRICT, AT 512 EATON STREET
(RE#00006500-000100, AK 8792239), PURSUANT TO
SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES,
KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, Section 18-28 (a) of the Code of Ordinances provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

WHEREAS, Section 18-28 (b)(2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all of the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;

 Acting Chairman

 Planning Director

- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;
- E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;
- F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

WHEREAS, the applicant requested a Special Exception to sell alcohol within 300 feet of two established churches and a funeral home, pursuant to Section 18-28 (b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 23, 2014; and

WHEREAS, the Planning Board finds that the applicant’s proposal to sell alcohol is compatible with surrounding existing uses; and

WHEREAS, the Planning Board finds that the extent of conflict between the proposed use, church, and funeral home will be minimal; and

WHEREAS, the Planning Board considered the mitigation measures agreed to be

implemented by the applicant; and

WHEREAS, the Planning Board considered public input; and

WHEREAS, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

WHEREAS, the Planning Board considered other factors determined relevant to the public’s health, safety, and welfare; and

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a Special Exception, under Section 18-28 (b) (2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: exclusive to Tapley O. Johnson III to be located at 512 Eaton Street (RE#00006500-000100, AK #8792239), Key West, Florida with the following conditions:

1. The exception is granted exclusively to Tapley O. Johnson III, Managing Member of "Tap All Potential 512-524Eaton, LLC" while he is 51% majority owner and is not transferable.
2. The sale of alcohol is accessory to the sale of food with food sales being 51% of revenues.
3. Purchase of alcohol is for on premises consumption only.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.


Section 4. This Special Exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.


Section 5. This resolution shall go into effect immediately upon its passage, adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

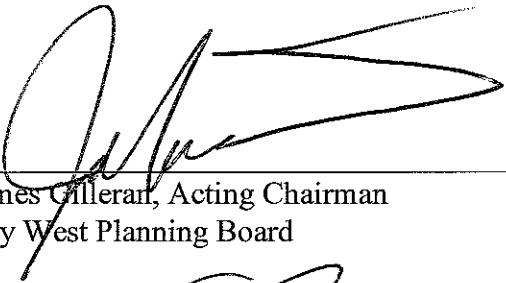
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

Read and passed at a regularly scheduled meeting held this 23rd day of January, 2014.

Authenticated by the Acting Chairman of the Planning Board and the Planning Director;

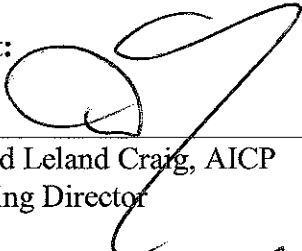
 Acting Chairman

 Planning Director


James Gilleran, Acting Chairman
Key West Planning Board


Date

Attest:




Donald Leland Craig, AICP
Planning Director

1-29-14
Date

Filed with the Clerk:


Cheryl Smith, City Clerk

1-27-14
Date

 Acting Chairman
 Planning Director